



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Civil strife, power and authority in the judicial sphere

Citation for published version:

Czajkowski, K 2018, 'Civil strife, power and authority in the judicial sphere: A case study from Roman Palestine', *Klio*, vol. 99, no. 2. <https://doi.org/10.1515/klio-2017-0038>

Digital Object Identifier (DOI):

[10.1515/klio-2017-0038](https://doi.org/10.1515/klio-2017-0038)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Published In:

Klio

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



Kimberley Czajkowski*

Civil Strife, Power and Authority in the Judicial Sphere: A Case Study from Roman Palestine

<https://doi.org/10.1515/klio-2017-0038>

Summary: This paper examines Josephus' account of a judicial incident that occurred in around 62 C.E., which involved both Judaeans elites and the Roman imperial powers. While traditional readings of the passage have focussed on mining it for information about the nature of the Judaeans council that is often referred to as the „sanhedrin“, it is here argued that this report sheds light on several other key issues related to the operation of law within the region: indigenous perspectives on loci of authority within a judicial context, the importance of judicial power within broader societal conflicts, and the role of Judaeans-Roman interactions in maintaining and redefining jurisdictional boundaries. It thus constitutes a valuable testimony for understanding the operation of law in this particular part of the Roman Empire.

Keywords: law, jurisdiction, client kings, Josephus, Roman Empire, Judaea

Introduction

In around 62 C. E., Porcius Festus, the Roman procurator of Judaea, died while in office. The region was consequently left without the immediate presence of a Roman imperial administrator until his replacement could arrive.¹ At this crucial juncture, the Judaeans historian Josephus reports in his *Antiquitates* what he implies is a rather extraordinary legal incident. In the gap before the newly appointed procurator, Luccius Albinus, arrived, the Judaeans High Priest, Ananus, son of Ananus, seized his opportunity to take control of the judicial sphere. At this point, it is worth citing Josephus' account in full:

ὁ δὲ νεώτερος Ἄνανος, ὃν τὴν ἀρχιερωσύνην ἔφαμεν εἰληφέναι, θρασὺς ἦν τὸν τρόπον καὶ τολμητὴς διαφερόντως, αἴρεσιν δὲ μετῆι τὴν Σαδδουκαίων, οἵπερ εἰσὶ περὶ τὰς κρίσεις ὡμοὶ παρὰ πάντας τοὺς Ἰουδαίους, καθὼς ἤδη δεδηλώκαμεν. ἅτε δὴ οὖν τοιοῦτος ὢν ὁ Ἄνανος,

1 Ios. ant. Iud. 20.197.

*Corresponding author: Kimberley Czajkowski, Edinburgh, E-Mail: k.czajkowski@ed.ac.uk

νομίσας ἔχειν καιρὸν ἐπιτήδειον διὰ τὸ τεθνάναι μὲν Φῆστον, Ἀλβῖνον δ' ἔτι κατὰ τὴν ὁδὸν ὑπάρχειν, καθίζει συνέδριον κριτῶν καὶ παραγαγὼν εἰς αὐτὸ τὸν ἀδελφὸν Ἰησοῦ τοῦ λεγομένου Χριστοῦ, Ἰάκωβος ὄνομα αὐτῷ, καὶ τινες ἑτέρους, ὡς παρανομησάντων κατηγορίαν ποιησάμενος παρέδωκε λευσθησομένους. ὅσοι δὲ ἐδόκουν ἐπιεικέστατοι τῶν κατὰ τὴν πόλιν εἶναι καὶ περὶ τοῦ νόμου ἀκριβεῖς βαρέως ἠνεγκαν ἐπὶ τούτῳ καὶ πέμπουσιν πρὸς τὸν βασιλέα κρύφα παρακαλοῦντες αὐτὸν ἐπιστεῖλαι τῷ Ἀνάνῳ μηκέτι τοιαῦτα πράσσειν: μηδὲ γὰρ τὸ πρῶτον ὀρθῶς αὐτὸν πεποιηκέναι. τινὲς δ' αὐτῶν καὶ τὸν Ἀλβῖνον ὑπαντιάζουσιν ἀπὸ τῆς Ἀλεξανδρείας ὁδοιποροῦντα καὶ διδάσκουσιν, ὡς οὐκ ἐξὸν ἦν Ἀνάνῳ χωρὶς τῆς ἐκείνου γνώμης καθίσαι συνέδριον. Ἀλβῖνος δὲ πεισθεὶς τοῖς λεγομένοις γράφει μετ' ὀργῆς τῷ Ἀνάνῳ λήψεσθαι παρ' αὐτοῦ δίκας ἀπειλῶν. καὶ ὁ βασιλεὺς Ἀγρίππας διὰ τοῦτο τὴν Ἀρχιερωσύνην ἀφελόμενος αὐτὸν ἄρξαντα μῆνας τρεῖς Ἰησοῦν τὸν τοῦ Δαμναίου κατέστησεν.

„The younger Ananus, who (as we said) attained the high-priesthood, was daring in his nature and extraordinarily bold, and belonged to the sect of the Sadducees, which is, with regard to judicial issues, crueller than all the other Jews, as we have already reported. Inasmuch as that is the way he was, he thought he had an appropriate opportunity, given the death of Festus, to convene a council of judges and bring before it James, the brother of the Jesus known as ‚Christ‘, along with some other people; accusing them of having violated the law he turned them over to be stoned. Those who were thought to be the most distinguished people in the city, and most exacting in the observance of the laws, were very upset about this, and so they secretly sent to the king and called upon him to write to Ananus, not to do anything like that again – for (they said) he had not done this first act properly. Some of them also went out to meet Albinus on his way from Alexandria and informed him, that with no authority Ananus had, without Albinus' approval, convened a council. Albinus, convinced by what he had been told, wrote angrily to Ananus, threatening to punish him. And King Agrippa therefore took the high priesthood away from him, after he had held it for three months, and installed Jesus the son of Damnaeus (in his stead).“²

Traditionally, this passage has been discussed in three – typically separate – contexts: a) factionalism in Roman Palestine; b) the competence of the ‚Sanhedrin‘; and c) textual authenticity due to the reference to ‚the Christ‘. The latter is a slightly separate issue which should not concern us too greatly here: it suffices to state that the vast majority of scholars have and still do regard the passage as authentic.³ The few who argued otherwise usually did so on the grounds that it (in

² Ios. ant. Iud. 20.199–203. Translation is that of Schwartz (2011) 305–306, with slight emendations (I have preferred ‚council‘ to ‚Sanhedrin‘).

³ The authenticity of this passage, as opposed to the *testimonium*, „has been almost universally acknowledged“ (Feldman (1987) 56; see also the helpful overview of scholarship in Feldman (1984) 704–707. The scholarly consensus has not changed since. The authenticity of the passage is generally considered in conjunction with the so-called *testimonium Flavianum* (ant. Iud. 18.63–64), in which Josephus apparently refers to Jesus. The latter has been the subject of extensive discussion concerning its authenticity, due to its importance for the historicity of Jesus debates that have continued for centuries and show no sign of abating. The discussion is too lengthy to lay out in detail here, but few would now argue there was absolutely no interpolation in the *testimonium*: the majority of opinions are somewhat divided between writing off the entire pas-

their view) did not fit within its context, either narrative or historical.⁴ But on the contrary: this episode fits the immediate context of Josephus' narrative and the general picture of legal argumentation and tactics in the ancient world extremely well.⁵ It can and should be viewed as authentic.

The former two points are, however, of great concern to us here. These are also not separate, distinct issues. This passage contains extremely valuable information for anyone interested in the legal history of Roman Palestine, but in order to fully understand its implications, the material about judicial power and institutions must be taken together with the background of societal conflict: the latter is vital to fully understanding Josephus' portrayal of the former. Moreover, Josephus' account of this incident is rich in the interactions it delineates between the various factions and authorities within the region, the debates between them and the tactics they employed in trying to win greater influence. In these interactions, he brings to the fore themes that he had raised in the narrative which immediately precedes this passage. He then uses his account of this incident to develop these motifs, particularly of civil strife and 'the law', and to show how they play out in a judicial context.

Thus, even if the passage remains indecisive on the question of the exact nature and competence of the 'Sanhedrin', it nonetheless provides an immensely valuable ancient testimony about juridical issues. This narrative gives us a window into Josephus' view of the operation of the judicial sphere at this time, of the

sage as interpolated and seeing it as a heavily interpolated result of a very brief authentically Josephan reference to Jesus. The bibliography on the *testimonium Flavianum* is immense: the references in Paul Winter's excursus in Schürer – Vermes – Millar I (1973) 428–430 remain a useful starting point on older literature, and are divided roughly into those who defend the passage's authenticity, those who dispute it and those who maintain the interpolation theory. See also Feldman (1987) 55–57 for an overview of a few further, more recent contributions, and Mason (1992) 163–175, for a good general introduction to the arguments about the *testimonium's* authenticity.

⁴ See especially Rajak (2003) 131, n. 73 and Juster (1914) 139–141. Rajak contended that the whole passage should be thrown out based on Josephus' inconsistent treatment of the character of Ananus in this episode, who is otherwise given a more laudatory portrayal: in contrast, see Mason (1992) 175, who also observes the divergent treatments of Ananus in the *Antiquitates* and the *Bellum*, but argues convincingly that this was because of Josephus' different purposes in each work; Feldman, (1987) 56 also refutes Rajak's arguments briefly. Juster (1914) 140–141 argued for the authenticity of 20.197–200 but saw the rest of the passage as interpolated, based in part on what he thought was implausible behaviour on the part of various agents in the episode: this interpretation will be argued against throughout.

⁵ As will be demonstrated in the following analysis. Thus while the primary purpose of the current discussion is not to enter into the interpolation debates, the following should add force to the vast majority who have seen the passage as authentic. Nothing, however, in the following discussion hinges on the Christ reference, which could still be discarded.

agents involved and where authority – including specifically legal authority – resided. Josephus provides an acute perspective on how legal actors could choose to frame their arguments with a direct view to the authorities they were choosing to approach. Furthermore, he here offers one take on how indigenous authorities could potentially react to, interact with and use external – here, Roman – authorities in what were at base internal political and/or social conflicts, and how the judicial sphere could be drawn into these power battles.

In short, this account informs us about elite perspectives on various key aspects connected with the judicial sphere: tactics of legal argumentation, loci of authority, and how jurisdictional boundaries could be enforced or even defined. This paper will act as something of an extended commentary on the passage, in order to demonstrate the ways in which Josephus depicts these interactions and the possible broader implications of this for the legal history of Roman Palestine.

General Context

The general situation of jurisdictional limits and legal competence bears greatly upon the way we understand this passage, and so the historical background is worth sketching briefly at this point. The question of the juridical competencies allowed to the Judaeans in a Roman context has attracted an enormous amount of scholarly discourse over the centuries.⁶ Attention often centres on whether Judaeans had the capacity to pronounce the death penalty, and if so, how far this extended: only to other Judaeans? To foreigners? Roman citizens?⁷ Questions of

⁶ The current essay focuses on the situation in Palestine, the literature on which will be cited when relevant below. In the Diaspora, the focus is often on the decrees on Judaeans privileges that Josephus includes in his works: see especially the monograph by Ben Zeev (1998). See also more generally on this topic, *inter plurima alia*: Rajak (1985) 19–35; Rajak (1984) 107–123; Appelbaum (1974) 420–463.

⁷ This issue is frequently discussed with reference to the so-called Temple warning inscription, which declares that all foreigners entering the Temple precinct will be responsible for their own death (cf. Ios. bell. Iud. 5.194; bell. Iud. 6.125–26; ant. Iud. 15.417; Phil., *legatio ad Gaium* 212), leading of course to debate over whether this empowered the community to execute violators of this prohibition and how far this extended. See CIIP I.2 for the two copies of the inscription that survive to us, along with the comments and general bibliography that accompany that edition of the text; also often brought into the debate is the statement at John 18:31–2 that Judaeans lacked capital jurisdiction. In the later period, reference is also often made to Origen's comments on the powers of the Jewish patriarch (Orig., *Epistola ad Africanum* 14 [PG 11, cols. 82–84]). The text is problematic and the exact translation and general meaning much disputed: see Jacobs (1995) 251, and Appelbaum (2013) 112 n. 159 on issues of translation. For more general discussion of this passage and its implications, with directions to further bibliography, see: Appelbaum (2013) 112–

the exact nature of the so-called ‚Sanhedrin‘ have also been a source of debate in this context, in the Second Temple period in particular, with opinions on the subject divided between those who have argued for the existence of one dominant Judaeans supreme council, those who have constructed multiple ‚sanhedrins‘ and those who have denied the existence of any such institution.⁸ This passage pertains to both questions, including, as it does, both a capital sentence and a reference to some sort of *synedrion*, however we understand this.

These questions are hotly debated throughout the Roman period and beyond. But while it is generally implicitly acknowledged that the competence to pronounce a capital sentence on one’s own subjects was probably allotted in a period of greater independence, the question is more complex when we consider the time in which this incident was supposed to have occurred, when the region, or rather parts of it, were under direct Roman control. In fact, the administrative situation at this point was somewhat fragmented: the region still had a king, Agrippa II, but the extent of his power was extremely restricted compared with his great-grandfather. He received the rule of Batanaea, the Trachonitis, Auranitis and parts of the Peraea and Galilee during the fifties, a fraction of the geographical scope of Herod the Great’s (and indeed Agrippa I’s) kingdom.⁹ He also, however, had charge of the Jerusalem Temple and the right to appoint High Priests,¹⁰ which Josephus presents him as exercising with great regularity. A Roman procurator administered the rest of the region, which was probably by then an independent province.¹¹

Agrippa II is often thought to have been extremely submissive to the Roman imperial authorities in his dealings, to the extent that this was viewed as his

116; Oppenheimer (1998) 185; Jacobs (1995) 248–251; Goodman (1992) 127–139; Habas-Rubin (1991) Vol. I, 64–71; Vol. II, 265–73; de Lange (1976) 33–34. On the situation under Rome in general, even when it is argued that Judaeans had the right to execute people this is very rarely extended to Roman citizens, which would indeed have been extremely problematic: see, for example, the comments of Winter (1964) 494–495, who argues that the Sanhedrin had the power to pronounce the death sentence, but explicitly denies that it possessed *ius gladii*, i. e. the ability to inflict punishment up to and including a death sentence on Roman citizens.

8 Amongst a great many others, see: Grabbe (2008); Clark Kee (1999); Goodblatt (1994); Mantel (1961); Zeitlin (1945) 109–140; Büchler (1902).

9 See Cotton (1999) 75–91 on the administration of the region in the post-Herodian era; see also Schürer – Vermes – Millar I (1973) 472–473 on the geographic scope of Agrippa II’s realm.

10 This was explicitly granted to Herod II (Jos. ant. Iud. 20.15: τὴν ἐξουσίαν τοῦ νεώ καὶ τῶν ἱερῶν χρημάτων καὶ τὴν τῶν ἀρχιερέων χειροτονίαν), and seems to have been retained by his nephew Agrippa II: on this subject, see Wilker (2007) 205–252.

11 See Cotton (1999) 79–81 on when Judaea became an independent province, which was not necessarily in 6 CE; for a different view, see Eck (2007) 1–51.

primary loyalty:¹² even if he is often seen as not unsympathetic to his Judean subjects, this has frequently been viewed as a rather secondary characteristic of his rule. In general, while the label is not always used, most commentators have indeed seen him as something of a „puppet king“,¹³ with little power of true consequence. As such, the control of the Roman imperial authorities is usually seen as paramount at this time.

Judicial Autonomy: Convening a Council and the Roman Authorities

Yet Josephus does not present this control as absolute. Indeed, he describes Ananus as having taken bold advantage of the aforementioned Roman absence to summon a council and condemn certain Jews to death for allegedly being „law-breakers“ (παράνομησάντων). Consequently, this passage is often taken to indicate that at this point in time a council could not be convened without the permission of the Roman imperial powers, whether the procurator himself or Agrippa II as kind of proxy Roman authority.¹⁴

Indeed, it would be perverse to argue against the idea that there is any implication in the text that Ananus lacked the right to assemble a council, and should have had permission from the Romans to do so. First, this is fairly clear from the way Josephus presents him as proceeding: the author is explicit that Ananus took his opportunity when Festus had died and Albinus was still traveling, namely, at a time of a rare Roman absence. This would appear to indicate that, in Josephus' opinion, an immediate Roman presence would have prevented him from assembling a council in the same way. This is then seemingly reinforced later in the passage by Ananus' opponents, who frame their complaints to the incoming Roman procurator in these very same terms: Ananus was not allowed to assemble a council (καθίσαι συνέδριον) without Albinus' consent (χωρίς τῆς ἐκεῖνου γνώμης).

¹² OGIS 419, 420 and 424 describe him as Φιλοκαῖσαρ and Φιλορωμαῖος. For scholarly verdicts on Agrippa II see, for example, Schürer – Vermes – Millar I (1973) 474–75, who refer to his „unconditional submission to Rome“, in matters of foreign policy at least; Wilker (2007) 377–448 somewhat more even-handedly argues that the Agrippa II acted as a mediator between Rome and Jerusalem during the revolt; for a general overview of his reign, see Kokkinos (1998) 317–41.

¹³ Clark Kee (1999) 56.

¹⁴ See, for example, the remarks of Clark Kee (1999) 56: „Problematical as the historical role of Ananus is, it is clear that the authority of the *synedrion* rested with the Roman governor or the power figure established by the Romans“; see also Rivkin (1975) 185 for a similar statement.

While I shall not in principle dispute this point, the passage needs disentangling at greater length. As has been noted, Josephus was not a legal historian: despite his claims to have excelled in learning his ancestral law from his youth, to the extent that high priests and leading men apparently consulted him at the age of fourteen,¹⁵ this is a rather different matter from knowledge of the jurisdictional niceties involved in living under Roman imperial rule. Thus, in any assessment of the position and presentation of the council in this passage, the function of the episode in the narrative itself should be taken into explicit account, as should the motivations of the various characters involved in the episode. This is particularly valuable for assessing attitudes towards judicial institutions, and how Josephus at least envisaged legal actors behaving and jurisdictional boundaries being policed.

Two points are worth noting. The first is that Josephus presents the primary issue in the resulting controversy not so much as that this group of people have been executed, but that a council had been assembled. Now the one might be inevitably entwined with the other, but in Josephus' narrative at least the execution itself is not what causes so much outrage, or at least is not what is the consequent focus of the debate. Nowhere is it denied that such a council, if assembled legitimately (i. e. with the permission of the Roman political authorities, though not explicitly with their consequent active involvement in any proceedings), could execute the guilty.

The next, related, point is that it is a faction of Judaeans who themselves inform Albinus of this: they draw his attention (διδάσκουσιν) to the limits of the High Priest's authority. This Roman imperial representative did not become involved in the matter on his own initiative; rather the jurisdictional limitations on the Judaeans are here depicted by Josephus as being policed by the Judaeans themselves. While Albinus is presented as taking action once information about the supposed breach came to his attention, the process by which his jurisdictional authority is enforced should be noted; or at least, how Josephus views this process. Juster saw this point as somewhat absurd, wondering why a Roman procurator would need to have been informed of his rights or indeed why Judaeans would have been so eager to draw attention to the fact they had less jurisdictional competence than they actually did.¹⁶ In his view, this implausible behaviour all

¹⁵ Ios. vita 9.

¹⁶ Juster (1914) 141: „Est-ce que pendant l'absence du procureur il n'y avait personne pour le remplacer? Pour arrêter, avant l'arrivée du gouverneur, les Juifs qui avaient commis une usurpation des pouvoirs? C'est se faire une bien piètre idée de l'administration romaine. Mais, ce gouverneur à qui l'on apprend ses droits? Et les Juifs empressés de dire qu'ils n'ont pas le droit de juger?“ As to whether there really was no one to replace the procurator: surely the point is

round was evidence that the passage was interpolated. His arguments on this point have already been convincingly refuted, but it is worth tackling this objection again in passing.¹⁷ Our understanding of empire has somewhat changed since Juster's day, and I would suggest this picture is not so outlandish as he thought. Most governors were relatively inexperienced in legal matters, especially in the particular regions to which they were dispatched, and it is perfectly legitimate to question whether an incoming Roman procurator would really have known this specific jurisdictional detail prior to his arrival.¹⁸ Indeed, the idea that Albinus acted based on a complaint made by indigenous elites actually seems more plausible than imagining an all-powerful, all-knowing figure, who would have instantly been aware of this jurisdictional violation and acted upon it. Furthermore, we might also consider how much attention he would have otherwise paid to the execution of a group of non-Roman citizens that occurred when he was not even on the scene.¹⁹ Here at least Josephus suggests that a faction of the Judean elite took responsibility on themselves for preserving the Roman supremacy. As to why they would do so: this is perfectly understandable in the general context of societal divisions and strife that Josephus creates throughout this section of the *Antiquitates*, an aspect that will be explored further in the following section.

Consequently, while Ananus' actions do seem to imply that he believed there would have been greater hindrances to his actions if there had been an immediate Roman presence in the region, this does not necessarily mean that the situation would have been quite so clear to an incoming Roman official. In fact, the limits of the jurisdictional authority of the High Priest are presented by Josephus in the second part of the passage only as part of the opponents' argumentation, not as an absolute, confirmed rule. These limits become a fact through Ananus' opponents' presentation of the problem to the Roman imperial representative, who

rather whether there was anyone on the scene whom Ananus regarded as having sufficient authority to prevent him from acting, rather than that there was absolutely no one holding the reigns; see also Sherwin-White (1963) 39 on the (in)capacity to delegate capital jurisdiction.

17 It should be noted that Juster (1914) needed this passage to be interpolated in order to sustain his argument that the Sanhedrin in this period possessed capital jurisdiction. See Sherwin-White's (1963) 35–43 lengthy response to Juster's arguments; also Burkhil (1956) 91.

18 See the comments of Brunt (1975) 132–36 on the legal inexperience of Roman administrators in Egypt. On how legal knowledge could be disseminated in the provinces, see Kantor (2009) 249–65.

19 The incidental comment in a footnote in Sanders (1992) 540, n.40 is on point: „Execution by mob violence, of course, was another matter (as in Acts 7.57 f.). If no harm (i. e. disruption) came of it, it might be overlooked.“ The same could be said of other executions: the Roman official in question would have to weigh up the pros and cons of getting involved in what he might see as rather unimportant local disputes, so long as they did not escalate.

is convinced by their arguments (πεισθεὶς τοῖς λεγομένοις) and acts to reinforce what he then believes is his jurisdiction. Whether the situation would have been so clear-cut for him before this happened is another matter. In Josephus' narrative, this interaction served to clarify, reinforce and perhaps even define jurisdictional boundaries as they would be conceived by a new imperial procurator.

This episode thereby has the potential to shed light on the relationship and interactions between indigenous elites and the Roman imperial authorities and the implications of this for questions of juridical competence. Aside from the way in which Josephus presents the jurisdictional boundaries as being potentially up for negotiation at this point of change due to the inexperience or lack of legal knowledge on the part of the governor, he also depicts a situation in which the legal and judicial sphere are seen as a symbol of power, one which various agents sought to control in order to advance their general position in society. Ananus seizes control of the judicial realm in order to claim back power from the Romans for himself and his own particular faction in Judaeen society. The significance of this should not be underestimated: in taking this action once, there was potential to reset the jurisdictional boundaries in a more permanent manner. With an incoming Roman procurator unaware of the exact situation – as Josephus depicts Albinus – Ananus and his faction could present this as a precedent: „Of course we have the right to convene a council – look, we did it before“. Whether this would have worked or not is of course another matter altogether. But the potential future implications of such an action – particularly in view of the manner in which jurisdictional boundaries are presented as being policed in this text – should not be overlooked. Ananus was not necessarily being short-sighted in his aims.

Furthermore, on the Roman side, the repercussions for this are perhaps surprisingly mild: Ananus wins himself a reprimand. It is another Judaeen – or at least partly Judaeen – authority (Agrippa II) who deprives him of his post. Fear of the Roman powers was not, therefore, paralyzing, and exceeding one's jurisdictional competencies does not appear to have always been as risky as we might perhaps have expected.

Internal Power Dynamics and Civil Strife

Judicial fora are inevitably tied to power structures and authorities of some sort, whether 'official' or otherwise. The power to pronounce and carry out a sentence – particularly, it should be said, a death penalty – assumes that those acting have the requisite authority within their community to do so effectively, and yet the opposite is also the case: seizing judicial power convincingly could potentially

have great consequences for either establishing or increasing one's authority within a community.

Indeed, Josephus presents this, as has already been suggested, as Ananus' motivation in assembling a council in the first place. The important point to note is that, in Ananus' view at least, one key way of staking his claim to social and political power was by seizing control of a judicial institution. He seizes upon the Roman absence to do so, but the targets of his actions are not cast as just the Roman authorities, but include other factions within Judaeen society as well. Indeed, in the fallout from the council's assembly and the execution, the civil conflict is made abundantly clear: within the narrative, it is the Judaeans themselves who object to Ananus' actions and attempt to foil his attempts. Indeed, those who were the „most equitable“ (ἐπιεικέστατοι) among the citizens take him to task, turning both to Agrippa and to Albinus in their attempts to stop Ananus carrying his actions any further.

This brings up a key issue that is emphasized in this episode and has been a feature in the immediate context of the narrative: namely, that of internal civil strife. Ananus is explicitly described here as a Sadducee, a group who are „crueller“ about judging than all other Judaeans (οἵπερ εἰσὶ περὶ τὰς κρίσεις ὡμοὶ παρὰ πάντας τοὺς Ἰουδαίους); if we follow Mason in viewing the ἐπιεικέστατοι as the Pharisees,²⁰ then we have here an episode in the long-acknowledged conflict between two key groups within Judaeen society at this time – Sadducees and Pharisees – which here is played out in a judicial context.²¹ But the point to note in all this is the fact that these indigenous elite figures chose to go to other authority figures, most notably the Roman procurator, in trying to win their own power struggles. To come back to the arguments set out above: this was a trial and execution of non-Roman citizens on a matter in which Romans would have had very little interest. As such, it is plausible that Ananus could have got away with this if no one had objected. It has already been noted that, if successful, this could also have had implications for jurisdictional limits in the future: Ananus and indeed other Judaeen authorities could refer to this council and execution as a precedent for future actions.

20 Following Mason (1992) 175–77, who argues Josephus does not name these men as Pharisees here in order to add to his overall negative characterization of this group. As Mason points out, Josephus refers to the Pharisees as those who are the most precise in interpreting the laws in the following passages: bell. Iud. 1.110; bell. Iud. 2.162; ant. Iud. 17.41; vita 191.

21 Reference might, perhaps, be made with extreme caution to Acts 23:6, in which Paul apparently tries to capitalize on this antagonism by shifting the debate to one on which he knows the two factions will be opposed: that of resurrection of the dead.

But the opposing faction is willing to surrender the judicial power Ananus had attempted to claim in order to bolster their own position within the region.²² Although this judicial authority was claimed by Ananus as part of his own factional power-battle, it was also judicial authority in itself, which could have been important for Judaeans autonomy more generally. But nevertheless, this faction of Judaeans informs Albinus of the limits, about which it is not otherwise clear he would have been aware. Thus, the implications of this passage for defining Roman-Judaeans relations are two-fold: 1) Josephus presents certain factions within Judaeans society at this time as willing to appeal to Roman imperial authorities in order to win what are essentially internal power struggles, and 2) he implies that these people also apparently thought it worth conceding to outsiders the judicial authority that could otherwise (potentially) have been won in order to bolster their own position, or at least make sure their opponents did not win by it. In Josephus' narrative, the prospect of future wider juridical powers is sacrificed in favour of winning internal, factional disputes.

Lest this seem like a desperate tactic, it should be observed that it was not, in fact, unheard of. Herod the Great, in his frequent prosecutions of his sons, had constant recourse to the Romans when he transacted these proceedings. There was in these interactions a constant balance of authority, with Herod asserting at all times his rights to do exactly as he pleased with his sons, but also waiting for confirmation of these rights from Augustus before actually acting.²³ If he did have the right to act – as he claimed – his deference had the potential practical effect of actually weakening this legal power, and making it contingent on Roman authority in a way that it had not been before. This was necessary in view of Herod's general reliance on the Roman imperial powers in sustaining his position within his kingdom, but it also meant that there was a possibility that he – in practical terms at least – ceded judicial authority in order to maintain his internal social and political power.²⁴

This exploration of Judaeans power bases, struggles and relations to the imperial authorities is therefore far from unique to this episode in Josephus' work,

22 Judaeans elites behave not dissimilarly elsewhere in Josephus' narrative: one group asks Pompey to disregard the claims of both Hyrcanus and Aristobulus in 63 B. C. E. (ant. Iud. 14.41); certain Judaeans also ask for the region to be brought under Roman control during the disputes after Herod's death in 4 B. C. E. (ant. Iud. 17.299–314; bell. Iud. 2.80–92). A distinct strand within Judaeans society is thus presented by Josephus as being more than willing to actively subject themselves to the imperial power.

23 See, for example, the statements at Jos. ant. Iud. 16.98; ant. Iud. 16.356–8, cf. the parallel passage at bell. Iud. 1.536–7; ant. Iud. 16.365–6; ant. Iud. 17.182 with the parallel passage at bell. Iud. 1.661.

24 See the discussion in Czajkowski (2016) and the further bibliography therein.

but nevertheless those factors are integral to the immediate context of the passage in question here. From Nero's succession onwards, which is related only shortly before,²⁵ Josephus ramps up his concentration on civil turmoil in Roman Palestine. This includes, but is not limited to: Felix's (a previous procurator) dealings with the robbers in Jerusalem,²⁶ the 'false prophets' adding to the general discontent,²⁷ conflicts at Caesarea,²⁸ and the activities of the *sicarii*, a group who terrorized society with the short daggers from which they took their name.²⁹ The clashes also occur in the more elite sphere, with the high priests at odds with each other;³⁰ Josephus also recounts how Agrippa II built a dining room that overlooked the Temple, an action that provoked outrage as violating the precepts of their ancestral laws. In response, other Judaeans built a wall in order to block his view, and the whole episode escalated to such an extent that it ended up in an embassy to the emperor.³¹ The trial and execution of James and his companions is therefore firmly embedded in a narrative that is relentless in emphasizing the internal conflicts in Judaeans society,³² in which the gradual breakdown of order has the effect of creating a situation in which Josephus states it was as though the city of Jerusalem was entirely ungoverned.³³ Furthermore, Josephus constantly represents the Romans as becoming involved in such disputes, not infrequently at the behest of the Judaeans themselves.

But more than this: Josephus increasingly begins to insert comments at this point on the perils of disregarding the ancestral law.³⁴ This comes to a climax not

²⁵ From around Ios. ant. Iud. 20.154 onwards.

²⁶ Ios. ant. Iud. 20.160–1.

²⁷ Ios. ant. Iud. 20.167–72.

²⁸ Ios. ant. Iud. 20.173–8.

²⁹ Ios. ant. Iud. 20.186–7.

³⁰ Ios. ant. Iud. 20.180–1.

³¹ Ios. ant. Iud. 20.189–95.

³² This also fits with Josephus' emphasis in the *Antiquitates* on the Jews themselves being responsible for the calamity of the war and the destruction of the Temple, as opposed to some unrepresentative Jews and some unrepresentative Romans, as he had argued in the *Bellum*: on this subject, see the arguments of Schwartz (2011) *passim*, but especially at 300–302, who focuses particularly on this chapter of Josephus' *Antiquitates* as an illustration.

³³ Ios. ant. Iud. 20.180 (ὡς ἐν ἀπροστατήτῳ πόλει). See also Ios. ant. Iud. 20.181: „To this degree did the violence of the seditious prevail over all right and justice“ (οὕτως ἐκράτει τοῦ δικαίου παντὸς ἢ τῶν στασιαζόντων βία); this is picked up again after the James episode at Ios. ant. Iud. 20.214, where the city is described as sick (ἐξ ἐκείνου μάλιστα τοῦ καιροῦ συνέβη τὴν πόλιν ἡμῶν νοσεῖν προκοπτόντων πάντων ἐπὶ τὸ χεῖρον).

³⁴ Mason (1992) 175 suggests that Ananus is characterized more harshly in this episode than he is portrayed in the *Bellum* for precisely the reason that Josephus wishes to emphasize the lawlessness of Judaeans leaders in the *Antiquitates*.

long after this passage, after Josephus has recounted how the king assembled another council, which allowed the Levites to wear linen robes:

πάντα δ' ἦν ἐναντία ταῦτα τοῖς πατρίοις νόμοις, ὧν παραβαθέντων οὐκ ἐνῆν μὴ οὐχὶ δίκας ὑποσχεῖν.

„Now all this was contrary to the laws of our country, which, whenever they have been transgressed, we have never been able to avoid the punishment of such transgressions.“³⁵

This first council episode therefore serves in part as precursor to the second one, in which Josephus explicitly stated the ancestral laws had been contravened, to the peril of all. But it also encapsulates the themes that run throughout this particular part of the narrative, building on the strife that Josephus had shown was wrecking the whole of society and bringing it on to the judicial stage. The civil conflicts are thus shown to be spilling over into all spheres of life, including the juridical. Furthermore, the later comment on punishment for transgressions of the law puts this episode into sharper focus in retrospect: one issue confronting the Judaeans might be that if there is dispute on how to interpret or enforce their law in the first place, in the midst of this general confusion, it became even harder to avoid transgressions. Once readers came to the above comment, the crisis building in Judaeans society at this particular time would have been made to seem all the more acute.

Framing a Legal Complaint

Nevertheless, the dispute over the way in which the Sadducees, or Ananus at least, interpret their ancestral law is not the point on which their opponents make their complaints. As has already been noted, there is little doubt that, in Josephus' retelling of the incident, one internal issue at stake was that of the interpretation of the ancestral law of the Judaeans – strictly or otherwise, depending on the group involved.³⁶ Furthermore, differences in the interpretation and enforcement of the ancestral law is one element commonly emphasized by Josephus in his description of the groups in Judaeans society elsewhere,³⁷ though rarely – if ever –

³⁵ Ios. ant. Iud. 20.218.

³⁶ Bauckham (1999) 218–19, n. 40: „The Pharisees' [i. e. the ἐπικέστατοι] objection can readily be understood in terms of a difference between Pharisaic and Sadducean interpretations of the Torah“. This was in response to Martin (1988) lxiii; see also Bauckham (1999) 222, „a difference in interpretation of the law between Sadducees and Pharisees must be at stake“; cf. Bernheim (1997) 249.

³⁷ See, for example, the episode at Ios. ant. Iud. 13.293–4, in which there is a difference of opinion between the Sadducees and Pharisees as to the severity of the punishment merited.

comes up in accounts of trials and judicial decisions in his work more generally.³⁸ As such, the foregrounding of this motif is certainly significant. But in fact there is a difference between the matter of internal dispute and that which is taken to the Roman imperial authorities,³⁹ leading us to identify two different legal spheres, or ideas of ‚law‘ at work in the episode.

There are two separate strands of argument in this passage. It is not here stated that Ananus has done anything to contradict the *nomoi* specifically: his opponents are uncomfortable with the strictness of the law as Ananus applies it (περὶ τοὺς νόμους ἀκριβεῖς βαρέως ἤνεγκαν) but they do not argue that he has truly broken these laws.⁴⁰ Instead, when turning to Agrippa and to Albinus, they state somewhat ambiguously to Agrippa that he had not acted correctly (μηδὲ γὰρ τὸ πρῶτον ὀρθῶς αὐτὸν πεποιηκέναι) and in addressing Albinus, they claim it was not permitted (οὐκ ἔξδὸν ἦν) for Ananus to assemble a council without the procurator's consent. Their argument to the two ‚higher‘ authorities is therefore not centred on interpretations of Judaeian ancestral law, but instead is framed in terms of the juridical competencies that are allowed to the High Priest at this time.⁴¹ This is perfectly understandable as a way of approaching a Roman authority figure, who would surely have little interest in disputes over the interpretation of the Torah, but to Agrippa II, also a Judaeian figure, it is more noteworthy and could perhaps fit in with general interpretations of this king as more Roman than Judaeian in his loyalties. Or, at least, Josephus here presents his subjects as having viewed him in this way.

This fits with our understanding of legal tactics and argumentation in anti-quity more generally. Josephus here depicts Judaeians ranging across legal

38 These accounts are rather numerous and cannot all be detailed here, but there is a cluster of narratives concerning trials in the Herodian books of the *Antiquitates*, including that of Mariamne (Ios. ant. Iud. 15. 218–36), the sons (Ios. ant. Iud. 16.87–126 (Alexander and Aristobulus before Augustus); 16.354–69 (Alexander and Aristobulus at Berytus), with execution at 394; 17.89–133 (Antipater), execution at 187, and Herod's own appearance before a *synedrion* after killing the bandits in c. 47 B. C. E. (Ios. ant. Iud. 14.159–84).

39 As touched upon by Mason (1992) 176, 181, who notes that the complaint as directed to the governor was, „a technicality that would be sure to raise the ire of the new governor and so remove Ananus from office“ (citation at 176).

40 Thus, we should be cautious in accepting Burkhil's (1956) 92 interpretation: he argues that the opponents thought Ananus' acts „had no legal justification“, in terms of religious law and that, if James and his companions had committed any crime, it was a political offence (though advancing to a slightly different conclusion, Rivkin (1975) 185 also draws a distinction between ‚political‘ and ‚religious‘ offences in his reading of the passage). In fact, Ananus' opponents appear to be more concerned about the strictness of the interpretation, which is a slightly different matter from suggesting Ananus and his followers had no legal justification at all.

41 See Mason's (1992) 176, 181 comments (see above, n. 39).

spheres in order to make their case effectively. They pick an argument that they think will be most favourably received by the particular authority they choose to approach – the Roman procurator. Their issue with Ananus is rather different in nature: they try to counter his attempt to impose his (Sadducean) interpretation of their own ancestral laws on others, but are also aware that this would not wash with a Roman figure, who would not care about disputes about exact interpretations of native law. Here, as elsewhere, people were pragmatic in their ‘choice of law’, and especially how they framed their arguments. They wanted, fundamentally, to win and would usually be willing to range across legal traditions in order to do so.⁴² This faction of Judaeans is willing to frame their complaint to the Roman procurator in Roman jurisdictional terms, which hides their real concern about the growing influence of a Judaeen faction who differ in their interpretation of the (ancestral, Judaeen) law. By doing so, they also present themselves as a group of Roman allies, hopefully winning further support in the future.

Concluding Remarks

Accounts of judicial proceedings in historical works often have a specific historiographical purpose, and thus must be considered within their narrative context. In this case, Josephus evidently chooses to recount this incident in the way he does in order to build upon themes that he has already begun to emphasize in his narrative. This episode must be understood as part of his effort to build a picture of a society increasingly riven by civil strife, and encapsulates the idea that such strife spills over into all aspects of society, including legal institutions. Everything is up for grabs in these internal power struggles, the judicial realm included.⁴³

In particular, the actions of Ananus’ opponents fit with what has been observed more broadly in studies of legal pluralism in antiquity: namely, that ancient agents most normally took pragmatic, flexible attitudes towards legal ar-

⁴² Cf. the observations of Humfress (unpublished), on the tactics used in the Dionysia papyrus (P. Oxy 2.237). Reference should also be made to the strategies employed by Babatha, a Judaeen woman living in Roman Arabia, whose paperwork has survived for us: she appears to have ranged across legal traditions, even employing what we might view as traditionally ‘Roman’ legal instruments (for example P. Yadin 28–30, a ‘Roman’ *actio tutelae*) in her litigation against the guardians of her orphaned son: see, for example, Cotton (1993) on the legal context of this case.

⁴³ As an aside, the close fit of this passage thematically into the general narrative context should further contradict those who have argued against its authenticity based on apparent inconsistency in characterization or unrealistic behaviour by its main actors.

gumentation. This meant that Judaeans were willing to frame their arguments in Roman jurisdictional terms, and very readily took their disputes to the imperial authorities, even to the point of potentially conceding judicial power that might otherwise have been (re-)claimed. This in turn gives us a glimpse into how indigenous elites' relationship with the Romans could be developed, used or indeed challenged in the judicial sphere. In this, there does not seem to have been one single attitude: Ananus and his opponents use the Roman authorities' presence or absence in very different ways. But most notable in this episode is the manner in which Josephus describes jurisdictional boundaries being policed, negotiated and even constructed or conceded through encounters between indigenous and imperial agents.

This, indeed, fits observations that have been made from the broader realm of Roman legal scholarship. In recent years, a distinct strand of work within this sphere has begun to take a more 'socio-legal' approach to the study of law. Law is considered not just doctrinally but as a social institution, or as „law within lived experience“. ⁴⁴ Within this newer orientation, particular efforts have been made to tackle our own ideas about how 'law' was made and by whom, problematizing past conceptions that have relied on a rather statist approach. Within newer debates, it is recognized that a broader range of agents had an effect on defining the exact rules of law, by bringing their own interpretations of legal rules to the table and, through negotiations, challenges or complaints, attempting to win legitimacy for their own particular interpretations and understandings. ⁴⁵ In this way, juridical rules are not seen as non-existent but as part of a sphere that is determined – at least in part – through interactions and negotiations. I would argue that this is what we see in this particular episode within Josephus' history: in a moment of change and uncertainty – the Roman absence – different factions within Judaeans society seize their opportunity to negotiate jurisdictional boundaries.

But within this broader field, the episode also has a particular value for historians interested in ancient ideas and attitudes towards law. Indeed, this has

⁴⁴ Humfress (unpublished) 8. Recent studies that take this more socio-legal approach include the monographs by Bryen (2011), which focus on the Egyptian papyri in particular. The work of Caroline Humfress should also be especially noted as bringing in modern legal theory: see, for example, Humfress (2013); Humfress (2011). The 'legal pluralism' or 'multi-legalism' literature has proven particularly popular. For general overviews of the state of this subject in the modern realm, see: Twining (2010); Berman (2009); Shahar (2008); Galanter (1981) is also a classic point of reference in this field.

⁴⁵ See especially the recent contribution of Bryen (2014) on this subject, particularly his emphasis on reconsidering what we define as a legal source in this context and his advocacy of a greater focus on narratives.

become an increasingly legitimate and important focus in these newer studies of law in antiquity.⁴⁶ There always is a tension in any study of these narrative accounts between the narrative itself and historical reality. I would argue that the way judicial institutions and interactions are talked about and presented in Josephus' narrative is unlikely to be entirely divorced from everyday realities. But even on a much weaker reading – of this as narrative and narrative alone – it still represents a valuable ancient view on the ways in which such legal incidents could play out, showing how judicial institutions were viewed and discussed by contemporaries. If this seems a small contribution, it is not. When we truly take the legal realm to be embedded in its broader societal and historical contexts, and take seriously claims that 'law' is determined by a much broader category of agents than previously imagined, this evidence not only can but must be taken into consideration. The ways people thought about, talked about and generally envisioned the legal realm had a direct bearing on the way we understand its functioning in antiquity. How Josephus constructed legal argumentation, tactics, *loci* and negotiations of authority, and the processes by which jurisdictional boundaries were thought to have been identified and enforced then become vitally important to understanding the broader legal landscape of Palestine under Roman imperial rule.

Acknowledgements: I am extremely grateful to Dr. Benedikt Eckhardt for his extensive comments on an early draft of this paper. All remaining errors are of course my own.

Bibliography

- Appelbaum (1974): A. Appelbaum, The Legal Status of the Jewish Communities in the Diaspora, in: S. Safrai – M. Stern (eds.), The Jewish People in the First Century I., Philadelphia 1974, 420–463.
- Appelbaum (2013): A. Appelbaum, The Dynasty of the Jewish Patriarchs (Texte und Studien zum antiken Judentum 156), Tübingen 2013.

⁴⁶ This could be described as the study of 'legal culture', a term imported from the realm of legal sociology and anthropology, first coined by Friedman (1969), who later more pithily defined it as, „the ideas, values, attitudes, and opinions people in some society hold, with regard to law and the legal system“ (in Friedman [1994] 118). While I would argue that the concept is a useful one, the term is not employed here as its use is fiercely contested in this field, and a defence of it would take over most of the current paper. However, for an overview of some of the debates surrounding its use, see the recent edited volumes of Gordon and Horwitz (2014); Nelken (2012); Bruinsma and Nelken (1997).

- Bauckham (1999): R. Bauckham, *For What Offence Was James Put To Death?*, in: B. Chilton – C. Evans (eds.), *James the Just and Christian Origins* (Supplements to *Novum Testamentum* 98), Leiden 1999, 199–232.
- Ben Zeev (1998): M. P. Ben Zeev, *Jewish Rights in the Roman World. The Greek and Roman Documents Quoted by Josephus Flavius*, Tübingen 1998.
- Berman (2009): P. S. Berman, *The New Legal Pluralism*, *Annual Review of Law and Social Science* 5, 2009, 225–242.
- Bernheim (1997): P.-A. Bernheim, *James, Brother of Jesus*, London 1997.
- Bruinsma – Nelken (2007): F. Bruinsma – D. Nelken (eds.), *Explorations in Legal Cultures*, Gravenhage 2007.
- Brunt (1975): P. A. Brunt, *The Administrators of Roman Egypt*, *JRS* 65, 1975, 124–147.
- Bryen (2013): A. Bryen, *Violence in Roman Egypt. A Study in Legal Interpretation*, Philadelphia 2013.
- Bryen (2014): A. Bryen, *Law in Many Pieces*, *CPh* 109, 2014, 346–365.
- Büchler (1902): A. Büchler, *Das Synhedrion in Jerusalem und das grosse Beth-Din in der Quaderkammer des jerusalemischen Tempels*, Wien 1902.
- Burkhill (1956): T. A. Burkhill, *The Competence of the Sanhedrin*, *VChr.* 10, 1956, 80–96.
- Clark Kee (1999): H. Clark Kee, *Central Authority in Second-Temple Judaism and Subsequently. From Synedrion to Sanhedrin*, *Review of Rabbinic Judaism* 2.1, 1999, 51–63.
- Cotton (1993): H. M. Cotton, *The Guardianship of Jesus Son of Babatha. Roman and Local Law in the Province of Arabia*, *JRS* 83, 1993, 94–108.
- Cotton (1999): H. M. Cotton, *Some Aspects of the Roman Administration of Judaea/Syria-Palaestina*, in: W. Eck (ed.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert*, Munich 1999, 75–91.
- Czajkowski (2016): K. Czajkowski, *Justice in Client Kingdoms. The Many Trials of Herod's Sons*, *Historia* 65, 2016, 473–496.
- De Lange (1976): N.R.M. De Lange, *Origen and the Jews: Studies in Jewish-Christian Relations in Third-Century Palestine* (University of Cambridge Oriental Publications 25), Cambridge 1976.
- Eck (2007): W. Eck, *Judaea wird römisch. Der Weg zur eigenständigen Provinz*, in: W. Eck, *Rom und Judaea. Fünf Vorträge zur römischen Herrschaft in Palaestina*, Tübingen 2007, 1–51.
- Feldman (1984): L. Feldman, *Josephus and Modern Scholarship (1937–1980)*, Berlin 1984.
- Feldman (1987): L. Feldman, *Introduction*, in: L. Feldman – G. Hata (eds.), *Josephus, Judaism and Christianity*, Detroit 1987, 23–67.
- Friedman (1969): L. Friedman, *Legal Culture and Social Development*, *Law and Society Review* 4, 1969, 29–44.
- Friedman (1994): L. Friedman, *Is There a Modern Legal Culture?*, *Ratio Juris* 7.2, 1994, 117–131.
- Galanter (1981): M. Galanter, *Justice in Many Rooms. Courts, Private Ordering, and Indigenous Law*, *Journal of Legal Pluralism* 19, 1981, 1–47.
- Goodblatt (1994): D. Goodblatt, *The Monarchic Principle. Studies in Jewish Self-Government in Antiquity* (Texte und Studien zum antiken Judentum 38), Tübingen 1994.
- Goodman (1992): M. Goodman, *The Roman State and the Jewish Patriarch in the Third Century*, in: L. I. Levine (ed.), *The Galilee in Late Antiquity*, New York – Jerusalem 1992, 127–139.
- Gordon – Horwitz (2014): R. W. Gordon – M. J. Horwitz (eds.), *Law, Society, and History. Themes in the Legal Sociology and Legal History of Lawrence M. Friedman* (Cambridge Studies in Law and Society), Cambridge 2014.
- Grabbe (2008): L. Grabbe, *Sanhedrin, Sanhedriyyot, or Mere Invention?*, *JSJ* 39, 2008, 1–19.

- Habas-Rubin (1991): E. Habas-Rubin, *The Patriarch in the Roman-Byzantine Era. The Making of a Dynasty* (In Hebrew), Two Volumes, (PhD Thesis) Tel-Aviv University 1991.
- Humfress (Unpublished): C. Humfress, *Lex and the City. Roman Law, Local Law and the Case of Dionysia* (P. Oxy. II.237 c.186 CE), 1–26.
- Humfress (2011): C. Humfress, *Law and Custom under Rome*, in: A. Rio (ed.), *Law, Custom, and Justice in Late Antiquity and the Early Middle Ages. Proceedings of the 2008 Byzantine Colloquium, London 2011*, 23–47.
- Humfress (2013): C. Humfress, *Thinking through Legal Pluralism. 'Forum shopping' in the Later Roman Empire*, in: J. Duindam – J. Harries – C. Humfress – N. Hurvitz (eds.), *Law and Empire. Ideas, Practices, Actors* (Rulers & Elites 3), Leiden 2013, 225–250.
- Jacobs (1995): M. Jacobs, *Die Institution des jüdischen Patriarchen. Eine quellen- und traditionskritische Studie zur Geschichte des Juden in der Spätantike* (Texte und Studien zum antiken Judentum 52), Tübingen 1995.
- Juster (1914): J. Juster, *Les Juifs Dans L'empire Romain Leur Condition Juridique, Economique Et Sociale*, Volume II, Paris 1914.
- Kantor (2009): G. Kantor, *Knowledge of Law in Roman Asia Minor*, in: R. Haensch (ed.), *Selbstdarstellung und Kommunikation. Die Veröffentlichung staatlicher Urkunden auf Stein und Bronze in der römischen Welt. Internationales Kolloquium an der Kommission für Alte Geschichte und Epigraphik in München* (1. bis 3. Juli 2006) (Vestigia 61), München 2009, 249–265.
- Kelly (2011): B. Kelly, *Petitions, Litigation, and Social Control in Roman Egypt* (Oxford Studies in Ancient Documents), Oxford 2011.
- Kokkinos (1998): N. Kokkinos, *The Herodian Dynasty. Origins, Role in Society and Eclipse* (Journal for the Study of the Pseudepigrapha Supplement Series 30), Sheffield 1998.
- Mantel (1961): H. Mantel, *Studies in the History of the Sanhedrin*, Cambridge 1961.
- Martin (1988): R. P. Martin, *James* (Word Biblical Commentary 48), Waco 1988.
- Mason (1992): S. Mason, *Josephus and the New Testament*, Peabody [MA] 1992.
- Nelken (2012): D. Nelken (ed.), *Using Legal Culture*, London 2012.
- Oppenheimer (1998): A. Oppenheimer, *Jewish Penal Authority in Roman Judaea*, in: M. Goodman (ed.), *Jews in a Graeco-Roman World*, Oxford 1998, 181–191.
- Rajak (1984): T. Rajak, *Was there a Roman Charter for the Jews?*, JRS 74, 1984, 107–123.
- Rajak (1985): T. Rajak, *Jewish Rights in the Greek Cities under Roman Rule. A New Approach*, in: W. S. Green (ed.), *Approaches to Ancient Judaism. Theory and Practice. Volume 5: Studies in Judaism and Its Greco-Roman Context* (Brown Judaic Studies 32), Atlanta 1985, 19–35.
- Rajak (2003): T. Rajak, *Josephus. The Historian and His Society*, London 2003.
- Rivkin (1975): E. Rivkin, *Beth Din, Boulé, Sanhedrin. A Tragedy of Errors*, HebrUCA 46, 1975, 181–99.
- Sanders (1992): E. P. Sanders, *Judaism. Practice and Belief*. 63 B. C. E.–66 C. E., London 1992.
- Schürer – Vermes – Millar (1973–1987): E. Schürer – G. Vermes – F. Millar (eds.), *The History of the Jewish People in the Age of Jesus Christ* (175 B. C.–A. D. 135). Three Volumes, Edinburgh 1973–1987.
- Schwartz (2011): D. R. Schwartz, *Josephus on Albinus. The Eve of Catastrophe in Changing Retrospect*, in: M. Popović (ed.), *The Jewish Revolt against Rome: Interdisciplinary Perspectives*, Leiden 2011, 291–309.
- Shahar (2008): I. Shahar, *State, Society and the Relations Between Them. Implications for the Study of Legal Pluralism*, *Theoretical Inquiries in Law* 9.2, 2008, 417–441.

- Sherwin-White (1963): A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament. The Sarum Lectures 1960–1961*, Oxford 1963.
- Twining (2010): W. Twining, Normative and Legal Pluralism. A Global Perspective, *Duke Journal of Comparative & International Law* 20, 2010, 473–517.
- Wilker (2007): J. Wilker, *Für Rom und Jerusalem. Die herodianische Dynastie im 1. Jahrhundert n. Chr. (Studien zur Alten Geschichte 5)*, Frankfurt 2007.
- Winter (1964): P. Winter, The Trial of Jesus and the Competence of the Sanhedrin, *NTS* 10.4, 1964, 494–499.
- Zeitlin (1945): S. Zeitlin, The Political Synedrion and the Religious Sanhédryn, *Jewish Quarterly Review* 36, 1945, 109–140.